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November 16, 2005

**VIA ELECTRONIC FILING**

The Honorable Benson E. Legg  
United States District Court  
for the District of Maryland  
Third Floor, Room 340  
101 W. Lombard Street  
Baltimore, MD 21201

Re: In the Matter of the Complaint of Eternity Shipping Ltd., et al.  
for Exoneration from or Limitation of Liability  
Civil Action No.: L-01-CV-0250

Dear Judge Legg:

This letter addresses three preliminary matters in connection with the motions hearing scheduled for Monday, November 21, 2005.

First, during the telephone conference on November 1, 2005, counsel were requested to advise whether Captain Popp, Mr. Parnell and Mr. Pellow would be available by telephone during the summary judgment hearing. We have contacted Captain Popp by e-mail, and he has notified us that he will be returning to the United States from Argentina on November 21, 2005. With Captain Popp traveling that day, it is highly unlikely that we will be able to contact him during the hearing.

Second, we take this opportunity to remind the Court of the fact that Claimant Tate & Lyle has filed an Amended Memorandum in Support of its Motion for Summary Judgment against Mrs. Gonzales, and that Tate & Lyle and Mrs. Gonzales have filed an Amended Response to the Motion for Summary Judgment filed by the American Bureau of Shipping, because their original filings contained inadmissible references to the contents of the Coast Guard Marine Casualty Investigation Report. Accordingly, the Court should disregard, and should not consider, the superceded filings, which are docket numbers 73 and 93.

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Third, and again with regard to the Coast Guard Marine Casualty Investigation Report, we note that Exhibit Z to Tate & Lyle's Response and Supplement filed on November 9, 2005 is a copy of a transcript of a telephone interview with ABS surveyor Roy Graham which was taken by the Coast Guard investigating officer and which was Enclosure 8 to the Coast Guard's Marine Casualty Investigation Report. Once again, we are compelled to point out that inclusion of this material in filings with the Court is improper, pursuant to 46 U.S.C. § 6308. Limitation Plaintiffs object to the inclusion of Exhibit Z in Tate & Lyle's filing, and we request that the Court disregard, and not consider, that exhibit.

We look forward to next week's hearing and are of course available to respond to any questions that the Court may have in connection with the contents of this letter.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "M. Hamilton Whitman, Jr.", with a stylized flourish at the end.

M. Hamilton Whitman, Jr.

MHWjr/pkp

cc: All Counsel Via E-Mail Only